

NO. PD-0488-20

JESSE VILLAFRANCO JR.
APPELLANT

V.

STATE OF TEXAS
APPELLEE

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FILED
IN THE COURT OF CRIMINAL APPEALS
COURT OF CRIMINAL APPEALS
11/17/2020
DEANA WILLIAMSON, CLERK
APPEALS OF TEXAS
AT AUSTIN, TEXAS

**APPELLEE'S MOTION FOR EXTENSION OF
TIME TO FILE BRIEF**

Comes now the State of Texas, Appellee in the above cause, and files the State's Motion for Extension of Time to File Appellee's Brief for the following reasons:

1. The Appellant was convicted of the offense of aggravated sexual assault in count one, indecency with a child by contact in count two and indecency with a child by exposure in count three in cause number CR45624 in the 441ST District Court of Midland County, Texas.
2. The Appellant's punishment was assessed at 25 years TDCJID in count one and ten years TDCJID in counts two and three and Judgment and sentence was entered against the Appellant on March 28, 2018.
3. The Appeal in this cause was perfected on April 4, 2018 and the 11th Court of Appeals affirmed the judgment on April 23, 2020. This court granted discretionary review on September 16, 2020. Appellant filed his brief on the PDR on October 16, 2020.
4. The deadline for the filing of Appellee's brief is November 16, 2020.
5. No extensions of time to file brief have been previously requested by the Appellee in this cause.
6. The Appellee requests an extension of time to file the Brief of the Appellee for a period of 14 days, until November 30, 2020.
7. The facts to show good cause of the requested extension are as follows:
 - a. There are approximately 2700 felony criminal cases and 1000 motions to

revoke probation filed in the District Courts of Midland County, Texas per year and 17 felony Assistant District Attorneys to handle this work load. The Office of the District Attorney of Midland County is unable to complete the State's Brief in this cause within the time allowed because of the trial and appellate responsibilities of the Office. Due to the COVID pandemic the undersigned assistant district attorney has been working half of the time from home and unfortunately was not able to see the brief on the petition for discretionary review until November 5, 2020. The UADA has not been receiving notices from this court and was unaware that a PDR in this case had even been filed, much less granted. This glitch has since been fixed, but it means that the UADA did not have the full 30 days to work on the brief in this case given by the Rules of Appellate Procedure. The UADA is now working on the brief, but he needs additional time to finish, as he was engaged with other responsibilities within the office that prevented from devoting his full energies to the brief. The UADA will endeavor to work continuously on the brief in this case to bring it to completion.

- b. The estimated preparation time for the brief in this case is ten business days.

This request for an extension of time is not made for the purpose of delay, but to permit the Appellee to adequately prepare and submit its brief in this case.

The State of Texas and Appellee in this cause prays that this court grant the extension of time to file Appellee's Brief.

Respectfully submitted



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CERTIFICATE OF SERVICE

I hereby certify that a true and correct of the foregoing document was sent on November 15, 2020 by efile or email to Franklyn Mickelsen, attorney of record for Appellant.



Eric Kalenak

Automated Certificate of eService

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Associated Case Party: Franklyn Mickelsen

Name	BarNumber	Email	TimestampSubmitted	Status
Franklyn Mickelsen	14011020	mick@texascrimlaw.com	11/15/2020 2:14:55 PM	SENT